

REMARKS

Reconsideration and allowance of this application are respectfully requested. The following comments are addressed to the new grounds of rejection by which Claim 5 is rejected under 35 USC 103 as unpatentable over Saito et al US Patent 4,673,921 in view of Veghte et al US Patent 5,825,329 and further in view of Iwasaki US Patent 5,898,405. Claims 6-7 are rejected over the above combination of references under 35 USC 103 and further in view of Culpepper et al US Patent 5,657,026.

Applicants traverse this rejection on the grounds that the combination of references is not an obvious combination of elements to one skilled in the art without the benefit of an impermissible hindsight reconstruction afforded by Applicants' disclosure.

According to the rejection of claim 5 the reference to Saito et al. is silent on teaching a plurality of antennas having three-dimensional directional characteristics for recognizing a signal from the vehicle. Applicants submit that Saito et al., which has been discussed previously in the October 15, 2003 Amendment and in subsequent responses, not only fails to teach the use of a plurality of antennas or three-dimensional characteristics but also fails to

disclose that the system operates "regardless of the orientation of the transponder".

The newly cited Veghte reference is indicated as teaching a transponder having a plurality of microstrip antennas and the Iwasaki reference is cited for a showing that microstrip patch antennas are omnidirectional. Applicants urge that the arrangement of antennas in Veghte would not function to provide a determination of direction to an object regardless of the orientation of the transponder. Although microstrip antennas are omnidirectional they do not provide a direction from which a signal is received. The array of Veghte has a purpose of enhancing power level and reducing backscattering. Each pair includes an antenna which is out of phase with the other one of the pair. When the switch is "on" minimal backscattering is produced (column 4, lines 59-63). When the switch is off the two antennas of each pair act independently to produce a backscattered -modulated signal (column 4, lines 66-67 and lines 15-17). A plurality of pairs are used to increase power (column 4, lines 17-19). Neither of these functionalities would be useful in the reconstructing the presently claimed invention of Claim 5 even if combined with Saito. The result of the structure of the present invention is the ability to locate and "point to" a source of a return signal (automobile). Neither Saito or any combination with any teaching of Veghte or Iwasaki, even accepting that Iwasaki illustrates that microstrip antennas are omnidirectional, is able to provide the features of

Serial No. 09/700,066

Amendment Dated: October 20, 2005

Reply to Office Action Mailed: April 20, 2005

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Independent claim 5 or the defendant claims 6 and 7 which are absent from Saito.

The claims call for the location and direction of the vehicle to be indicated regardless of the orientation of the transponder. There is no indication that a combination of the secondary references with the primary reference to Sato would provide the required display of the location of the vehicle regardless of the orientation of the transponder which transponder includes not only a plurality of antennas which recognize a signal from the vehicle but which also provide a directed output as well as the evaluation logic, all within the transponder. The transponder of Sato cannot do this. Therefore there is no teaching to one of ordinary skill in the art whereby the references could be combined to meet the limitations of independent claim 5 and dependent claims 6 and 7. The secondary reference to Culpeper, even accepting the statement of the rejection for its showing, adds nothing toward meeting the claim limitations of independent claim 5 from which claims 6 and 7 depend and contain all the limitations thereof.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49329).

Respectfully submitted,

October 20, 2005


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